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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/995,971

**Applicant(s)**

WILLIAMS, L. LLOYD

**Examiner**

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 16-51,55 and 63-79 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15,52-54 and 56-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-15,52-54,56-62 and 66-79 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. A detailed examination of the originally presented claims 1-15 and 52-65 was mailed on February 1, 2005. In response, the applicant filed an amendment on April 29, 2005 that introduced new claims 66-79.

Newly presented claims 66-79 are patently distinct. Specifically, these claims recite significantly different limitations than claims 1-15, 52-54 and 56-62, thus creating extensive and facially objective evidence of patentable distinctness.

In addition, administrative burden exists because the newly presented claims have different classifications, fields of search, and status in the art.

A restriction requirement under the above circumstances has several benefits. The restriction requirement promotes a clear and complete prosecution history of a single, original invention. The requirement promotes the quality, administrative

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determination of patentability for both the applicant and for the public.

Therefore, the following restriction requirement will be set forth based upon election by original presentation.

***Election/Restrictions***

2. Newly submitted claims 66-79 are directed to inventions that are independent or distinct from claims 1-15, 52-54 and 56-62 for the following reasons:

***Description of the Separate Inventions***

3. Restriction to one of the following inventions is required under 35 U.S.C. 121.

Invention I: Claims 1-15, 52-54 and 56-62 are drawn to a method of providing a direct call connection to a service subscriber's voice mailbox.

Invention II: newly presented claims 66-79, drawn to a method of providing a connection via a data network.

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***Classification and Field of Search***

4. Invention I includes classification in class 379, subclass 88.26, recording voice message from non subscriber caller. Note also that Invention I could be classified in numerous other class/subclasses corresponding to the multiple and specific features recited (e.g., see claim 2). The field of search for Invention I does not include the field of search for Invention II as discussed below.

Invention II includes classification in class 709, subclass 206, processing user data in response to a demand to transfer data between the computers (e.g., website cookie). The field of search for Invention II does not include the field of search for the Invention I as discussed above.

***Separate Status in the Art***

5. A separate field of search (as discussed above) also shows a separate status in the art. MPEP § 808.02.

***Evidence of Separate Status in the Art and Field of Search***

6. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a

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separate field of search. MPEP §808.02. In the instant case, Petrunka et al, U.S. Patent No. 5,991,369 (hereinafter Petrunka) relates to the subject matter claimed in claim 1 (see Figure 4). Petrunka is classified under class 379/88.25. On the other hand, Tov et al, U.S. Patent Application Publication No. 2002/0152402 (hereinafter Tov) is relevant to the subject matter claimed in claim 66 (see paragraph 00410). Tov is classified under class 713/201.

***The Separate Inventions are Subcombinations***

***Usable Together Having Separate Utility***

7. Inventions I and II are related as subcombinations disclosed as usable together in a single system for providing a voice mail interface.

The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Invention I has separate utility as a system for providing a voice mail interface via a service switching point. (see claim 1). Invention II has separate utility as a system for providing a voice mail interface using website cookies (see claim 72). See MPEP § 806.05(d).

***Reasons for Requiring the Restriction***

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification for the reasons given above, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for one Invention is not required for the other Inventions for the reasons given above, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter for the reasons given above, restriction for examination purposes as indicated is proper.

***Constructive Election by Original Presentation***

9. Since applicant has received an action on the merits for the originally presented Invention I (drawn to claims 1-15, 52-54 and 56-62), this invention has been constructively elected by original presentation for prosecution on the merits.

Accordingly, Invention II (drawn to claims 66-79) are withdrawn

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from consideration as being directed to a non-elected invention.

See 37 CFR 1.142(b) and MPEP § 819 and 821.03.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

11. Claims 1, 6, 52, 53 and 56-59 are rejected under 35 U.S.C. § 102(e) as being anticipated by Petrunka et al, U.S. Patent No. 5,991,369 (hereinafter Petrunka).

Regarding claim 1, Petrunka discloses a method of providing direct access to a voice mail system (VMS) hosting a voice mail box associated with a service subscriber, the method comprising the steps of formulating a call set-up message for initiating the establishment of a call connection to the VMS without first attempting to complete a call to the service subscriber, the

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call set-up message having a format reserved for a redirected call set-up message issued by a service switching point (SSP) in response to an uncompleted call to the service subscriber and issuing the call setup message into a common channel signaling (CCS) network to initiate the establishment of the call connection directly to the voice mail box of the service subscriber (see Figure 4).

Claim 6 is rejected for the same reasons as claim 1.

Claim 52 is rejected for the same reasons as claim 1.

Regarding claim 53, see Figure 4.

Regarding claim 56, see Figure 4 of Petrunka.

Regarding claim 57, see Figure 4 of Petrunka.

Regarding claim 58, see Figure 4 of Petrunka.

Regarding claim 59, see Figure 4 of Petrunka.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claim 54 is rejected under 35 U.S.C § 103(a) as being unpatentable over Petrunka in view of Tov et al, U.S. Patent Application Publication No. 2002/0152402 (hereinafter Tov).

With respect to claim 54, Petrunka fails to teach the claimed receiving step. All the same, Tov discloses this limitation (paragraph 0041). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Petrunka with the web page taught by Tov. This modification would have improved flexibility and universality by allowing a caller to connect to the subscriber or a subscriber service such as voice-mail, without having to become a subscriber him/herself (see paragraph 0041 of Tov).

14. Claims 2, 3, 7, 8, 11, 14 and 15 are rejected under 35 U.S.C § 103(a) as being unpatentable over Petrunka in view of Holt, U.S. Patent No. 6,711,243 (hereinafter Holt).

Regarding claim 2, because Petrunka teaches the network is an AIN network (column 4), Petrunka inherently teaches the claimed CCS network, SS7 protocol, ISUP and IAM limitations. However Petrunka fails to disclose the claimed inserting limitations. Nonetheless Holt discloses these limitations (see column 5). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Petrunka with the inserting limitations taught by Holt. This modification would have modernized Petrunka by obviating the necessity of maintaining subscriber information on the service nodes as suggested by Holt.

Regarding claim 3, see columns 6 and 7 of Holt.

Claim 7 is rejected for the same reasons as claim 2.

Claim 8 is rejected for the same reasons as claim 3.

Regarding claim 11, see Figure 4 of Petrunka and columns 6-8 of Holt.

Regarding claim 14, see columns 6-8 of Holt.

Regarding claim 15, see columns 6-8 of Holt.

15. Claims 4 and 9 are rejected under 35 U.S.C § 103(a) as being unpatentable over Petrunka combined with Holt in view of Brunson, U.S. Patent No. 4,996,704 (hereinafter Brunson).

Regarding claim 4, the combination of Petrunka and Holt fails to teach a step of inserting a redirecting reason code into a redirection information parameter, the reason code being used by the VMS to select a voice mail prompt to play to the calling party. However Brunson discloses this limitation (see col. 3, lines 10-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Petrunka-Holt combo with the VMS taught by

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Brunson. This modification would have improved user friendliness by playing outgoing announcements to specific callers as suggested by Brunson (see abstract).

Regarding claim 9, the combination of Petrunka and Holt does not explicitly disclose inserting a redirecting reason code into a redirection information parameter, the redirecting reason code identifying the IAM as a request to leave a voice message with a direct to voice mail call. However Brunson discloses this limitation (col. 3, lines 10-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the grouping of Petrunka and Holt with the redirecting reason code taught by Brunson. This modification provides information as to why the call was diverted and the nature of the call as suggested by Brunson (col. 3, line 25).

16. Claims 5 and 10 are rejected under 35 U.S.C § 103(a) as being unpatentable over Petrunka combined with Holt in further view of Russell, Travis. *Signaling System #7* New York: McGraw Hill, 2000 (hereinafter Russell).

With respect to claim 5, the Petrunka and Holt fail to teach inserting a redirecting reason code into a redirection

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information parameter, the reason code being a default value indicating that the reasons for redirection is unknown or not available. However Russell discloses this limitation (see page 461). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Petrunka and Holt with the reason code taught by Russell. This modification allows for a parameter that provides information as to why the call was diverted and the nature of the call as suggested by Russell (page 496).

Claim 10 is rejected for the same reasons as claim 5.

17. Claims 60-62 are rejected under 35 U.S.C § 103(a) as being unpatentable over Petrunka combined with Tov in view of Holt.

Regarding claim 60, because Petrunka teaches the network is an AIN network (column 4), the combination of Petrunka and Tov inherently teaches the claimed CCS network, SS7 protocol, ISUP and IAM limitations. However the combination of Petrunka and Tov fails to disclose the claimed inserting limitations. Nonetheless Holt discloses these limitations (see column 5). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Petrunka and Tov with the inserting limitations taught by Holt. This modification would have modernized the

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combination of Petrunka and Tov by obviating the necessity of maintaining subscriber information on the service nodes as suggested by Holt.

Regarding claim 61, see columns 5-8 of Holt.

Regarding claim 62, see columns 5-8 of Holt.

18. Claims 12 and 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Petrunka combined with Holt in view of Tov.

Regarding claim 12, Holt discloses receiving a connection request message that conforms to a predefined format and includes directory numbers for the requesting party, service subscriber and VMS (col. 5, lines 25-65 and col. 7, line 25 to col. 8, line 15). However the combination of Petrunka and Holt fails to teach receiving over an Internet protocol (IP) connection, from a server on the Internet adapted to receive click-to-voice mail notifications from at least one worldwide web page. However Tov discloses this limitation (paragraph 0041). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Holt with the web page taught by Tov. This modification would have improved flexibility and universality by allowing a caller to connect to the subscriber or a subscriber service such

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as voice-mail, without having to become a subscriber him/herself (see paragraph 0041 of Tov).

Regarding claim 13, see col. 6, lines 25-60 and col. 7, line 25 to col. 8, line 15 of Holt. Also see Figure 4 of Petrunka and paragraph 0041 of Tov.

### ***Response to Arguments***

19. Applicant argues Petrunka teaches away from the invention as claimed in claim 1. Examiner respectfully disagrees. Petrunka teaches a method of providing direct access to a VMS hosting a voice mail box associated with a service subscriber without first attempting to complete a call to the service subscriber (see Figure 4). Because Petrunka indicates the network is an AIN network (column 4), Petrunka inherently teaches the claimed call set-up messages. Therefore Petrunka discloses the claimed limitations as presently claimed.

### ***Conclusion***

20. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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OA

Olisa Anwah  
Patent Examiner  
May 26, 2005

A handwritten signature in black ink, appearing to be 'Fan Tsang', with a long, sweeping horizontal stroke extending to the right.

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600